

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARIO A VALENZUELA,

Plaintiff,

v.

THORNTONA, et al.,

Defendant.

1:23-cv-01525 HBK (PC)

ORDER TRANSFERRING CASE TO THE
SACRAMENTO DIVISION OF THE
EASTERN DISTRICT OF CALIFORNIA AND
CLOSING CASE IN FRESNO DIVISION

(Doc. No. 1)

Plaintiff, a prisoner, initiated this *pro se* action by filing a civil rights complaint under 42 U.S.C. § 1983 accompanied with an application to proceed *in forma pauperis*. (Doc. Nos. 1, 2). Because the events giving rise to the cause of action occurred at California State Prison, Sacramento, which is located in Sacramento County, Plaintiff should have filed his complaint in the Sacramento Division of this Court. *See* 28 U.S.C. § 1391(b); *see also* *Ziegler v. Indian River County*, 64 F.3d 470, 474 (9th Cir. 1995) (reviewing federal court jurisdiction and venue in a § 1983 action). Pursuant to Local Rule 120(f), a civil action which has not been commenced in the proper court may, on the court's own motion, be transferred to the correct court. The Court finds it in the interests of justice to transfer this case to the Sacramento Division under 28 U.S.C. § 1406(a) and Local Rule 120(f).

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Accordingly, it is **ORDERED**:

1. The Clerk of Court is directed to transfer this action to the Sacramento Division of this Court and close the case in this division.

2. All future filings shall refer to the new Sacramento case number assigned and shall be filed at:

United States District Court
Eastern District of California
501 "I" Street, Suite 4-200
Sacramento, CA 95814

3. This court has not ruled on Plaintiff's request to proceed *in forma pauperis* (Doc. No. 2).

Dated: October 30, 2023


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE